

PROVIDING FOR THE APPOINTMENT OF CONSERVATORS TO CON-  
SERVE THE ASSETS OF PERSONS OF ADVANCED AGE, MENTAL  
WEAKNESS, NOT AMOUNTING TO UNSOUNDNESS OF MIND OR  
PHYSICAL INCAPACITY

MARCH 14 (legislative day, MARCH 12), 1951.—Ordered to be printed

Mr. PASTORE, from the Committee on the District of Columbia,  
submitted the following

REPORT

[To accompany S. 11]

The Committee on the District of Columbia, to whom was referred the bill (S. 11) to provide for the appointment of committees to conserve the assets of persons of advanced age, mental weakness, or physical incapacity, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike out all after the enacting clause and in lieu thereof insert the following:

That if a person residing in or having property in the District of Columbia is unable, by reason of advanced age, mental weakness (not amounting to unsoundness of mind), or physical incapacity properly to care for his property, the United States District Court for the District of Columbia may, upon his petition or the sworn petition of one or more of his relatives or friends, appoint some fit person to be conservator of his property.

SEC. 2. Upon the filing of such petition, the court shall fix a time and place for a hearing thereon; and shall cause at least fourteen days' notice thereof to be given to the person for whom a conservator is sought to be appointed if he is not the petitioner, and to such other persons as the court shall direct. The court in its discretion may appoint some disinterested person to act as guardian ad litem in any proceeding hereunder. Upon a finding that such person is incapable of caring for his property, the court shall appoint a conservator who shall have the charge and management of the property of such person subject to the direction of the court.

SEC. 3. Such conservator before entering upon the discharge of his duties shall execute an undertaking with surety to be approved by the court in such maximum amount as the court may order, conditioned on the faithful performance of his duties as such conservator; and he shall have control of the estate, real and personal, of the person for whom he has been appointed conservator, with power to collect all debts due such person, and upon authority of the court to adjust and settle all accounts owing by him, and to sue and be sued in his representative capacity. He shall apply such part of the annual income, and such part of the

principal as the court may authorize, of the estate of such person to the support of such person, and the maintenance and education of his family and children; and shall in all other respects perform the same duties and have the same rights and powers with respect to the property of such person as have guardians of the estates of infants.

Sec. 4. When any person for whom a conservator has been appointed under the provisions of this Act shall become competent to manage his property, he may apply to such court to have such conservator discharged and to be restored to the care and control of his property. If the court finds him to be competent, an order shall be entered restoring the care and control of his property to such person. The court shall have the same powers with respect to the property of any person for whom a conservator has been appointed as it has with respect to the property of infants under guardianships.

Sec. 5. Upon filing of a petition as provided by this Act the court may, with or without notice or hearing, appoint a temporary conservator of the estate of any person hereunder, if it deems such action necessary for the protection of such estate, subject to the provisions for an undertaking contained in section 3 hereof. Such temporary conservator shall serve only until such time as a permanent conservator can be appointed or until sooner discharged.

Sec. 6. Where a conservator is appointed pursuant to the provisions of this Act, all contracts and business transactions, subsequent to the filing of the petition, of a person for whom a conservator has been appointed hereunder, shall be presumed to be a fraud upon him and against his rights and interests.

Amend the title to read as follows:

A bill to provide for the appointment of conservators to conserve the assets of persons of advanced age, mental weakness, not amounting to unsoundness of mind, or physical incapacity.

The purpose of the bill is to allow the Federal District Court for the District of Columbia to appoint conservators of the estates of persons who are incompetent, by reason of advanced age, mental weakness, or physical incapacity, properly to care for their property. The present District of Columbia law makes no provision for such appointments. The bill has the approval of the District of Columbia Commissioners, and the judges of the District courts. The bill was favorably reported by a unanimous vote of the committee.